

Call to Order:

The meeting was called to order at 7:40 p.m. Present were Chair, Joan Duff, and members Mark Yanowitz, Vincent Chiozzi (arrived at 7:45) and associate member Jay Doherty; also present was Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

15 Elm Street (Century Bank):

Joan Duff, Chairman explained the Board cannot open the public hearing on an application by Century Bank and Trust Company on property owned by DAZ, LLC for a Special Permit for a Major Non-Residential Project located at 15 Elm Street due to the quorum requirements for special permit granting authorities. The Board discussed dates for a future meeting and site walk. On a motion by Mr. Yanowitz seconded by Mr. Doherty the Board voted to schedule a site walk on Thursday April 28th at 8 AM and to continue the public hearing on an application by Century Bank and Trust Company on property owned by DAZ, LLC for a Special Permit for a Major Non-Residential Project located at 15 Elm Street without discussion until May 10th at 7:30 PM. **Vote:** Unanimous (3-0)

Article P-49: Private Warrant Article Amend Section 2.2 Overlay District by adding a new Section 8 River Road Business District (RROB) and Appendix A, Map of River Road Business District.

The Board opened the public hearing on the proposed Private Warrant Article to Amend Section 2.2 Overlay District by adding a new Section 8 River Road Business District (RROB) and Appendix A, Map of River Road Business District that was continued from the March 8th meeting. William Caulder, Managing Director of The Gutierrez Company stated that a presentation about the article had been made at the Board's Mar. 8th meeting. He noted that, in his opinion, the article is good for the town and residents, but admitted that they did not have time to do thorough outreach for the public. Mr. Materazzo reviewed a meeting with the MVTC and noted that businesses in the area such as Putman and Phillips Medical are starved for amenities in the area. Ms. Duff noted that she is a 30 year resident of West Andover area and feels more time is needed to understand the scope of the article. Other concerns were raised about the adequacy or inadequacy of public outreach. Some of the Board members noted they like the concept but feels it needs to be studied further and should be a town sponsored article. The Board discussed town meeting procedures. There was also a discussion around how successful it would be to have this article pass at a future town meeting, if this private article fails to pass at the upcoming town meeting. David Blatman of 4 Norwich Place asked what type of services would be provided. Mr. Caulder reviewed the type of uses allowed in the district such as retail, mixed use, resident, medical, supermarkets and noted the uses will be market driven. Ms. Cars of 65 River Rd. the north side of River Rd. questioned how the overlay would affect her property. Mr. Caulder noted that the property would have more options for development than are currently available. Ms. Dubois of 152 North Street expressed concerns regarding the wetlands on her property. Mr. Caulder reviewed the wetlands on his property and noted that you cannot build in the wetland. A resident of River Rd. questioned the developer's motives if they faced with adversity from the neighbors. Mr. Caulder noted that the Gutierrez Company has no motives behind the warrant article it only allows for additional uses to his property. The son of Ms. Dubois, noted that his mother's property abuts 5 of the parcels included in the overlay district; he stated that he had not seen a presentation and expressed concern that the wetlands would be developed. Ms. Byerley noted that wetlands are under the

Article P-49 (cont.): Private Warrant Article Amend Section 2.2 Overlay District by adding a new Section 8 River Road Business District (RROB) and Appendix A, Map of River Road Business District.

purview of the Conservation Commission, not the Planning Board, and that the Conservation Commission does an excellent job overseeing wetlands. Mr. Materazzo noted that the overlay district has nothing to do with wetlands and there is a process in place dealing with wetlands. An abutter to the proposed overlay district requested input from the police department on how this will affect crime in the area. Mr. Caulder noted that input is giving during the site plan approval process. The Board discussed the pros and cons of disapproving/approving the warrant article as written. Mr. Materazzo noted that the Selectmen are waiting for the Planning Board's recommendation before they make their recommendation. Mr. Araujo of 135 North Street noted that the residents are confused about what this article will do to their neighborhood. His recommendation to the board was to withdraw the article, so the board has some time to study it, to get more information from the residents, come to a recommendation and then vote.. The Board discussed options for the vote, including taking no action, recommending approval and/or disapproval and even suggested the proponent should consider withdrawing the article. Ms. Doherty, Town Moderator reviewed the technical issues of withdrawing an article once it is placed on the town warrant and the process at town meeting to withdraw an article. She noted that if a private article is defeated at town meeting, the proponent could not bring the warrant article back for two years, although the Town would be able to do so.

On a motion by Mr. Chiozzi seconded by Mr. Yanowitz the Board voted to take no position of the proposed warrant article P-49: Private Warrant Article Amend Section 2.2 Overlay District by adding a new Section 8 River Road Business District (RROB) and Appendix A, Map of River Road Business District due to insufficient information and time to process the article and will further study the article in the future. **Vote: Defeated** (2-2) Mr. Yanowitz, and Mr. Chiozzi voting yes; Mr. Doherty and Ms. Duff voting no.

On a motion by Mr. Doherty seconded by Mr. Yanowitz the Board voted to recommend disapproval of the proposed warrant article P-49: Private Warrant Article Amend Section 2.2 Overlay District by adding a new Section 8 River Road Business District (RROB) and Appendix A, Map of River Road Business District. **Vote: Defeated** (2-2) Mr. Doherty and Ms. Duff voting yes; Mr. Yanowitz and Mr. Chiozzi voting no.

Ms. Doherty, Town Moderator reviewed the Town Meeting procedures for zoning amendments and the Planning Board's role in making a recommendation for that process.

On a motion by Mr. Yanowitz, seconded Ms. Duff the Board voted to recommend disapproval of the proposed warrant article P-49: Private Warrant Article Amend Section 2.2 Overlay District by adding a new Section 8 River Road Business District (RROB) and Appendix A, Map of River Road Business District in its present form and believe they need to study the area in greater detail. **Vote:** (3-1) Mr. Yanowitz, Ms. Duff and Mr. Doherty voting yes; and Mr. Chiozzi voting no.

On a motion by Mr. Doherty seconded by Mr. Chiozzi the Board voted to close the public hearing on the proposed Private Warrant Article to Amend Section 2.2 Overlay District by adding a new Section 8 River Road Business District (RROB) and Appendix A, Map of River Road Business District. **Vote:** Unanimous (4-0)

Minutes:

On a motion by Mr. Doherty seconded by Mr. Yanowitz the Board voted to approve the February 8, 2011 minutes.

Adjournment: The Board voted to adjourn the meeting at 9:03 p.m.